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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,881	02/22/2002	Hirotoimo Kitahara	Y-199	9950

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EXAMINER

KIM, SANG K

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,881

Applicant(s)

KITAHARA ET AL.

Examiner

SANG KIM

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

Drawings

Figures 5-7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to because replete with grammatical and idiomatic errors. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 8-9, "a flexible tube of soft vinyl or so is set with both ends fixed by fittings" is indefinite and vague. What both ends is applicant referring to?

Claim 2, line 19, "a bar inserted in and both ends of the bar" is indefinite and vague. Where is a bar being inserted in?

Claims 1-2, "the axial direction" is indefinite and vague. Which axial direction is applicant referring to?

Claim 1 recites the limitation "the shaft", "the core roll", "the cylindrical surface", "the axial direction" in lines 6-9. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the shaft", "the core roll", "the cylindrical surface", "the axial direction" in lines 15-17. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn, U.S. Patent No. 3606187 in view of the admitted prior art shown in figures 5-7, and described on pages 1-4 of the specification.

Referring to claims 1-2, Hahn teaches a shaft 3 to support a core roll 25 with films wound around, wherein said shaft 3 having a groove 9 on a cylindrical surface along a longitudinal axial direction where roller bar 17 is set with both ends of the bar 19 incorporated with a roller bar and fixed by fittings 27 as shown in Fig. 1-4.

The recitation in the preamble of the claim that the lamination apparatus to form lamination layers of laminate film pasted on the surfaces of printed matter as posters,

advertising fliers, computer output media or so, relates only to a possible or intended use of the device being claimed, but does not further structurally limit the device.

Hahn does not disclose a flexible tube of soft vinyl. It would have been obvious to use a flexible tube of soft vinyl in the apparatus of Hahn as suggested by the admitted prior art which teaches use of a soft material, because a soft material would function in a substantially equivalent manner in the claimed invention to prolong the life of expectancy of the tube and avoid damage to the wound material. The use of vinyl rather than rubber would have been an obvious choice of design to one skilled in the art, since there is no particular disclosed criticality to the material, and either would function in substantially the same way. Having a separate bar inserted in the tube lacks any disclosed criticality and would have been obvious to hold the tube straight and clamp the material evenly.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka, U.S. Patent No. 4496114 in view of the admitted prior art shown in figures 5-7, and described on pages 1-4 of the specification.

Referring to claims 1-2, Kataoka teaches a shaft 1 to support a core roll C with films wound around, wherein said shaft 1 having a groove 2, 11 on a cylindrical surface along a longitudinal axial direction where a roller is set with an axle inserted inside the roller and both end of the axle are fixed by fittings 3 as shown in Fig. 9.

The recitation in the preamble of the claim that the lamination apparatus to form lamination layers of laminate film pasted on the surfaces of printed matter as posters, advertising fliers, computer output media or so, relates only to a possible or intended use of the device being claimed, but does not further structurally limit the device.

Kataoka does not disclose a flexible tube of soft vinyl. It would have been obvious to use a flexible tube of soft vinyl in the apparatus of Kataoka as suggested by the admitted prior art which teaches use of a soft material, because a soft material would function in a substantially equivalent manner in the claimed invention to prolong the life of expectancy of the tube and avoid damage to the wound material. The use of vinyl rather than rubber would have been an obvious choice of design to one skilled in the art, since there is no particular disclosed criticality to the material, and either would function in substantially the same way.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references of record show other examples of lamination apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Kim whose telephone number is (703) 305-3712. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

Art Unit: 3654

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers are (703) 308-0552 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

SK

3/2/03

Kathy Matecki
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